

RESORT VILLAGE OF MELVILLE BEACH

BYLAW NO. 1-2018

A Bylaw for the purpose of prohibiting, eliminating and abating noise within the Resort Village of Melville Beach.

The Council of the Resort Village of Melville Beach in the Province of Saskatchewan enacts as follows:

1. This Bylaw may be cited as “The Noise Bylaw”
2. In this Bylaw, including this section:
 - a) “Municipality” means the Resort Village of Melville Beach;
 - b) “Holiday” means any statutory holiday as defined in *The Interpretation Act*, or any holiday proclaimed as such by the Resort Village of Melville Beach;
 - c) “Motor vehicle” means a motor vehicle as defined in *The Motor Vehicles Act of Saskatchewan*;
 - d) “Occupant” means the owner, occupant, or licensee of the premises or any other person found on the premises at or around the time where the noise or sound issues from the premises;
 - e) “Premises” means the area contained within the boundaries of any lot and includes any building situated within such boundaries. Provided, however, that where any building contains more than one dwelling unit, each dwelling unit, or common area of such building and the land surrounding the building within the boundaries of the lot shall be deemed to be separate premises;
 - f) “Residential Building” means a building which is constructed as a dwelling for human beings;
 - g) “Signaling device” means a horn, gong, bell, klaxon, siren or other device producing an audible sound for the purpose of drawing people’s attention to an approaching vehicle, including a bicycle;
 - h) “Weekday” means any day other than Sunday or holiday.

General Prohibition

3. a) Except to the extent it is allowed by this Bylaw no person shall make, or continue to make, or cause to be made, or allow to be made, or allow to be continued to be made, any loud noise, or any unnecessary noise, or any unusual noise.

- b) Except to the extent it is allowed by this Bylaw, no person shall make, or continue to make, or cause to be made or cause to be continued, or allow to be made, or allow to be continued, any noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the municipality.
- c) What is a loud noise, an unnecessary noise, an unusual noise or a noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of other persons is a question of fact for a court which hears a prosecution of an offence against this Bylaw.
4. Without restricting the generality of Section 3, no person shall operate or allow to be operated a power garden tool, hedge trimmer, roto-tiller, power or hand lawn mower, or snow clearing device powered by an engine of any type or a model aircraft driven by an internal combustion engine in any residential district between the hours of ten (10) o'clock in the evening and eight (8) o'clock of the next morning on any day.
5. No person being the owner or occupant of any premises shall cause, allow or permit the sound of howling, wailing or barking of a dog or the caterwauling of a cat or the cry of an animal or bird which can be heard by a person not on the same premises and which unreasonably disturbs or is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of that person.
6. No person being the owner or occupant of any premises shall operate, or permit to be operated, play or allow to be played, any radio, stereo, CD player, television set, musical instrument, or any other apparatus, appliance, device or machine used for the promotion or amplification of sound, either in or on private public property in a location within or the immediate proximity of a residential district in such a manner that the same can be easily heard by an individual or member of the public who is not on the same premises from which such noise or sound emanated, and which unreasonably disturbs or is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of that person.

Construction Noises

7. Except in an emergency, no person shall carry on the construction, erection, demolition, alteration or repair of any type of building or structure which involves hammering, sawing, drilling or the use of any machine, tools or any other equipment capable of creating a sound beyond the boundaries of the site on which the activity is being carried on, after the hour of ten (10) o'clock in the evening and before the hour of eight (8) o'clock in the morning of any day.
8. Except in an emergency, no person shall operate or allow to be operated a cement mixer, a cement mixer truck, a gravel crusher, a riveting machine, a trenching machine, a drag line, an air or steam compressor, a jack-hammer or pneumatic drill, a tractor or bulldozer or any other tool, device or machine of a noisy nature, so as to create noise which may be heard in any residence between the hours of ten (10) o'clock in the evening and eight (8) o'clock in the morning of any day.

Advertising Noises

9. No person shall advertise any event or merchandise by ringing bells, blowing whistles, calling loudly, playing music, playing any type of musical instrument, playing or using any type of noise making instrument, or by the use of loud speakers or other devices for the amplification of sound, or by any other audible means, on any street or other public place or in any building or

premises with the intention or result that the sound therefrom shall be or is audible to persons using or frequenting any street or other public place.

Diesel Motors

10. No person shall allow the diesel motor of a tractor which pulls a trailer or on a semi-trailer truck, or any other truck, to remain running for longer than twenty (20) minutes while the tractor-trailer, or tractor alone or truck, is stationary in a residential district.

Exceptions

11. The provisions of this bylaw shall not apply to:

- a) the moderate use of musical instruments to call attention to an opportunity to contribute to a collection made for a charitable undertaking during the Christmas season or at any other time;
- b) the playing of a band, the sounding of a steam whistle, the sounding of motor vehicles' horns or the use of sound amplification equipment used in connection with any parade;
- c) the moderate playing of musical instruments appropriate to any religious street service;
- d) the sounding of a general or a particular alarm or warning to announce a fire or other emergency or disaster;
- e) the sounding of a factory whistle and similar devices at normal appropriate times;
- f) the sounding of police whistles or the sirens of and vehicle used by the police or fire department or on any ambulance or public service vehicle;
- g) any use of sound amplification equipment used by the police, fire department or any ambulance service or public service;
- h) the use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other commodious space in connection with any public election meeting, public celebration, or other reasonable gathering;
- i) transit vehicles engaged in normal transit operations;
- j) the use of any tractors, trucks, or other equipment used in the repair of streets or the repair and maintenance of any municipal works or utilities;
- k) the use of equipment for cleaning or clearing streets including street sweepers and equipment for snow removal, snow clearing or sanding streets;
- l) the use of any equipment for repair or maintenance of any public utilities including the utilities operated by the Saskatchewan Power Corporation, Saskatchewan Energy Corporation and Saskatchewan Telecommunications.

12. Any exceptions or exemptions as may be provided under this bylaw are not to be interpreted so as to create vagueness or uncertainty as to the standard by which noise is measured under the prohibiting sections of this bylaw.

Enforcement

13. The administration and enforcement of this Bylaw is hereby delegated to the Bylaw Enforcement Officer or a Representative appointed by the Resort Village Council.

Offences and Penalties

14. a) Any person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:

- i. For the first offence, to a fine of \$250.00; and
- ii. For a second offence, to a fine of \$500.00
- iii. For a third or subsequent offence, to a fine not more than \$2,000.00.

b) In the case of a corporation, to a fine not exceeding \$5,000.00 and in the case of a continuing offence, to a further fine of not more than \$5,000.00 for each day during which the offence continues.

15. a) Notwithstanding subsections a) and b), in the case of a person who contravenes a provision of this Bylaw, a peace officer may issue a notice of violation to that person.

b) The notice of violation shall provide that, if the person pays the Resort Village of Melville Beach the sum of Two Hundred and Fifty Dollars (\$250.00) within fourteen (14) calendar days of the date of the notice of violation, the person shall not be required to appear in court on the charge.

c) The fine may be paid:

- i. in person, during regular office hours, to the Resort Village Office; or
- ii. by mail addressed to the Resort Village of Melville Beach, Box 3250, Melville, SK. S0A 2P0.

Repeal of Bylaw

16. Bylaw No. 3/2002 is hereby repealed.

Coming into Force

17. This Bylaw shall come in to force and take effect on the date of final passing thereof.

(SEAL)

Mayor

Administrator